

CITY OF ENTERPRISE

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WATER RIGHTS
SALT LAKE

April 5, 2007

State of Utah
Department of Natural Resources
Division of Water Rights
Attn: Jerry Olds, State Engineer
1594 W. North Temple, Suite 220
Salt Lake City, UT. 84114-6300

Re: Enterprise / Escalante Valley Groundwater Management Plan

Mr. Olds:

Our first letter addressed our objections with the proposed economic impact model as a component of your groundwater management plan.

At the March 11 meeting held in Enterprise a question from the audience asked for clarification about municipal water and its treatment in any proposed plan. Your response seemed apparent that Enterprise City municipal water would be vulnerable in any plan that would reduce or invalidate previously granted rights based on priority right law.

While this may constitute a government "taking", we will leave that debate for our legal scholars. The purpose of this letter is to identify the impact and potential hardship this action could have on the residents of Enterprise, and to produce our own hydrologic data that is contrary to the state claims.

Enterprise City recently purchased additional underground water at a considerable expense. Municipalities have a duty and responsibility to plan for the future. We have just completed a water capital facilities study and review of our impact fees at a significant investment. As a result of the study, our engineers have provided us with projections to meet our water needs for the next 20 years based on our existing water rights. We must constantly plan for the future and always attempt to position our community for expected growth.

All of the planning, projecting, and expending in good faith for the future of our City now appears to be in jeopardy. The uncertainty of the integrity of our underground water places a tremendous burden on our planning process. We have granted annexations, subdivision, and zone changes based on our long range water planning. We have experienced growth in excess of 20 % for the past 5 years and the current outlook is for that pace to increase substantially.

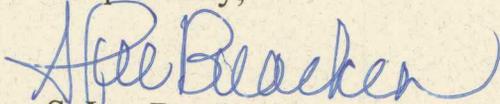
The City has recorded the following data from our primary well #1. The starting pumping level in the well was measured at 40 ft when initially tested at 2433 gpm in September of 1972. At my request, the well was measured electronically on Monday, April 2, 2007 at a static level of 30.8 ft. This amounts to a nearly 10 ft **increase** in water level from the time the well was first pumped 35 years ago. A draw down test performed in 1996 for our source protection requirements showed a starting static level at 26.9 ft. The maximum drawdown after 24 hours at 1340 gpm stabilized at 50.375 ft. The static level recovered back to 27.475 ft. within 24 hours.

The state's own data from the observation well located at approximately 750 South Center street in Enterprise shows a similar consistent pattern. USGS # 373338113431502 well shows a starting level in 1950 at 32 ft. After nearly 60 years of recordkeeping the states most recent recording indicates a near record high water level at approximately 20 ft. This amounts to a nearly 12 ft **increase** in water level from the initial 1950 measurement.

We fail to find any evidence regarding water levels in Enterprise that meets any of the criteria in HB228 that enables a groundwater management plan. None of the information meets the definition of "safe yield" or indicates a need for any reduction in discharge.

This information is obviously contrary to the claims the State has submitted in support of a discharge reduction. The State must therefore understand the strong objection we hold with any plan that may adversely affect our water and the planning we have made in good faith. In view of the supporting hydrologic data, we will vigorously challenge any plan that could potentially reduce our underground water rights.

Respectfully,



S. Lee Bracken
Mayor, City of Enterprise

cc. Wendy Bowden Crowther, Esq.
Clyde Snow Sessions & Swenson

Ken Bullock, Executive Director
Utah League of Cities and Towns

Jim Eardley, Washington County Commission
Wayne Smith, Iron County Commission

Dennis Stowell, Utah State Senator
Bill Hickman, Utah State Senator
Bud Bowman, Utah State Representative
David Clark, Utah State Representative
Steve Urquhart, Utah State Representative
Mike Noel, Utah State Representative
Mike Brown, Escalante Valley Water Users Assn.